

Executive Summary

SUNSET LAW IN CONNECTICUT

Connecticut's sunset law was enacted in 1977 as part of a major reorganization of state government. Intended to be a cyclical, periodic review of certain statutorily specified state entities and programs with at least the prospect, if not threat, of automatic termination, the Connecticut legislature went through one five-year sunset cycle from 1979 through 1984. Since then and through January 2007, the legislature had postponed reactivation of the law five times.

Under the state's sunset law, certain statutorily specified state entities (not all state agencies) are automatically set to terminate on specific dates, unless the legislature takes affirmative action to authorize their continuation. Six months before a scheduled termination, the Legislative Program Review and Investigations Committee (PRI) is required to submit a report to the General Assembly and pertinent committees of cognizance based on a performance audit of each entity using criteria set out in the sunset law. The PRI report is required to make recommendations about abolishing, reestablishing, modifying, or consolidating each entity under review. The sunset law places the burden of demonstrating public need on the entity or program subject to termination, as well as the burden of showing that the entity serves the public interest, "not merely the interests of the persons regulated."¹

Under the sunset law, the Government Administration and Elections Committee is responsible for holding public hearings prior to any sunset action by the General Assembly. Finally, as noted already, in order to continue an entity or program, the General Assembly must vote to do so. No action by the entire legislature would result in termination.

In January 2007, after a series of five postponements spanning almost 25 years, Connecticut's sunset law was poised to start up again with year one of a five-year cycle, in which 28 specific state entities or programs were scheduled to automatically terminate on July 1, 2008, unless they were each re-established through legislation. Uncertain of continued legislative interest in the sunset law as currently formulated, and concerned about sunset activities draining committee member and staff resources from other work absent legislative interest, the PRI committee raised legislation in 2007 to postpone the start of sunset for two years. Along with a two-year postponement, the bill, which passed, also required the committee to conduct a study on the continued need for sunset and report its findings and recommendations to the General Assembly by January 15, 2008. A central question to the discussion of resuming implementation of the sunset law was whether the landscape of legislative oversight had changed in Connecticut in the 30 years in a way that would alter views on the value of sunset as an oversight tool.

During the committee study, a number of items were reviewed: 1) the statutory sunset review process and criteria, as well as the process the program review committee followed in carrying out its mandate from 1979 to 1984; 2) Connecticut's actual sunset experience during the five years the law was active in terms of activities and results, and the sunset-related actions that

¹ C.G.S. Sec. 2c-6

have occurred since then (primarily postponements of the law); 3) sunset laws in other states; and 4) other legislative oversight sources in Connecticut, and the differences and similarities between sunset reviews and “regular” program reviews conducted by the program review committee.

In summary, the committee found:

- The reality of sunset never matched the vision of sunset in Connecticut as a process that would result in the large-scale termination of state entities.
- Termination meant imposing a real or perceived negative consequence on a portion of the state's population, while only providing an incremental benefit little noticed or appreciated by most citizens.
- Half of the states that at one time conducted sunset reviews have repealed sunset as a distinct oversight mechanism.
- The many postponements of Connecticut’s sunset law during the past 25 years indicate legislative reluctance to return to sunset and the formal re-establishment process it requires.
- Even without the statutory directive of sunset, the program review committee has reviewed aspects of 16 of the entities on the deferred sunset lists and used portions of the sunset criteria in several other reviews.
- Returning to sunset would reduce the amount of in-depth studies the program review committee members and staff could perform in the future.

RECOMMENDATIONS

- 1. The program review committee recommends that the sunset law be repealed.**
- 2. The program review committee recommends that the program review statute be amended to incorporate the review criteria currently set out for sunset reviews, to be used whenever the committee deems it appropriate.**
- 3. The program review committee recommends that the leadership of the program review committee enter into a discussion with the leadership of the appropriations committee to determine if the program review committee might be of assistance in the performance of future RBA [results-based accountability] activities.**